

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

LASHAWN EZELL, et al.,

Plaintiffs,

v.

JAMES CASSIDY, et al.,

Defendants.

Case No. 2:21-cv-00474-APG-NJK

ORDER

[Docket No. 1]

Pending before the Court is the parties' motion for a Court order directing third-party witness Davion Allen to show cause why he should not be held in contempt for failing to comply with a subpoena. Docket No. 1. However, the parties have not demonstrated that they served the instant motion on Mr. Allen.¹ *See id.* at 4. "Civil contempt is a serious matter that should not be undertaken without evidence that the party against whom contempt is sought has notice that such proceedings are underway." *Pongsai v. American Express Co.*, 2020 WL 6115086, at *2 (C.D. Cal. Aug. 27, 2020) (citing *Ochoa v. Lopez*, 2016 WL 9712071, at *3 (C.D. Cal. June 20, 2016)); *see also* LR 5-1(b) ("Either on its own initiative or on a motion by a party, the court may strike an unserved paper").

Accordingly, the parties are hereby **ORDERED** to file a proof of service of the instant motion on Mr. Allen, no later than April 13, 2021.

IT IS SO ORDERED.

Dated: April 9, 2021



 Nancy J. Koppe
 United States Magistrate Judge

¹ The parties submit that "[a] copy of this motion will be personally served on Mr. Allen and sent to him by regular and certified mail." Docket No. 1 at 4. To date, there is no indication that the parties have served the instant motion on Mr. Allen. *See* Docket.